

TWENTY-FOURTH DAY

(Continued)

(Thursday, February 14, 1935)

The House met at 10 o'clock a. m., and was called to order by Speaker Stevenson.

SENATE BILL NO. 154 ON PAS- SAGE TO THIRD READING

The Speaker laid before the House, as pending business, on its passage to third reading,

S. B. No. 154, A bill to be entitled "An Act amending Sections 3, 4, 6, 9, and 12, of Chapter 13, Acts of the Second Called Session of the Forty-first Legislature, creating the Brazos River Conservation and Reclamation District under the authority of Section 59 of Article VI of the Constitution of Texas and defining powers and duties of said district, and declaring an emergency";

The bill having been read second time on yesterday.

Mr. Aikin offered the following amendment to the bill:

Amend Senate Bill No. 154 by adding a new section at the end of Section 6, page 7, to be known as Section 6a, to read as follows:

"Nothing in this Act shall be construed as ratifying or confirming or re-enacting Chapter 3, Acts Fourth Called Session, Forty-third Legislature."

Mr. Butler of Brazos moved to table the amendment by Mr. Aikin.

Question recurring on the motion to table, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—99

Adamson	Craddock
Alexander	Crossley
Ash	Davis
Atchison	Davison of Fisher
Beck	Davisson
Bradbury	of Eastland
Bradford	Dickison
Burton	Dunagan
Butler of Brazos	Dunlap of Hays
Butler of Karnes	Duvall
Cagle	Dwyer
Calvert	England
Clayton	Fain
Colson	Fisher
Cooper	Ford
Cowley	Fox

Frazer	Morse
Fuchs	Newton
Graves	Nicholson
Gray	Olsen
Greathouse	Padgett
Hankamer	Patterson
Hardin	Payne
Harris of Dallas	Pope
Head	Quinn
Hodges	Reader
Hofheinz	Reed of Dallas
Hoskins	Riddle
Howard	Roach of Hunt
Huddleston	Roane
Hunter	Roark
Hyder	Russell
James	Rutta
Jefferson	Scarborough
Jones of Falls	Settle
Jones of Runnels	Shofner
Jones of Wise	Smith
Keefe	Spears
King	Stanfield
Lanning	Steward
Lemens	Stinson
Lindsey	Tarwater
Lucas	Tennyson
Luker	Thornton
McCalla	Tillery
McConnell	Waggoner
McFarland	Wells
McKinney	Westfall
Moffett	Worley
Moore	Youngblood

Nays—23

Aikin	Lotief
Alsup	Mauritz
Bergman	Morris
Bourne	Morrison
Broyles	Palmer
Caldwell	Reed of Bowie
Farmer	Rogers
Fitzwater	Stovall
Glass	Venable
Holland	Walker
Hunt	Wood of Harrison
Knetsch	

Present—Not Voting

Herzik

Absent

Adkins	Jones of Shelby
Canon	Lange
Celaya	Latham
Collins	Leath
Daniel	Leonard
Dunlap of Kleberg	Petsch
Gibson	Roach of Angelina
Good	Roberts
Harris of Archer	Wood of Montague
Hartzog	Young
Jackson	

Absent—Excused

Colquitt
HillJones of Atascosa
McKee

Mr. Aikin offered the following amendment to the bill:

Amend Senate Bill No. 154, page 7, line 16, by adding between the word "Legislature" and the word "is" the following: "and Chapter 3, Acts of the Fourth Called Session of the Forty-third Legislature."

Mr. Butler of Brazos moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—118

Adamson	Harris of Dallas
Adkins	Head
Alexander	Herzik
Ash	Hodges
Atchison	Hofheinz
Beck	Holland
Bradbury	Hoskins
Bradford	Howard
Burton	Huddleston
Butler of Brazos	Hunter
Butler of Karnes	Hyder
Cagle	Jackson
Caldwell	James
Clayton	Jefferson
Collins	Jones of Falls
Colson	Jones of Runnels
Cooper	Jones of Shelby
Cowley	Jones of Wise
Craddock	Keefe
Crossley	King
Daniel	Lange
Davis	Lanning
Davison of Fisher	Latham
Davisson	Leath
of Eastland	Lemens
Dickison	Leonard
Dunagan	Lindsey
Dunlap of Hays	Lotief
Duvall	Lucas
Dwyer	Luker
England	McCalla
Fain	McConnell
Farmer	McFarland
Fisher	McKinney
Ford	Moffett
Fox	Moore
Frazer	Morrison
Fuchs	Morse
Gibson	Newton
Graves	Nicholson
Gray	Olsen
Greathouse	Padgett
Hankamer	Palmer
Hardin	Patterson

Payne
Pope
Quinn
Reader
Reed of Dallas
Riddle
Roach of Hunt
Roane
Roark
Russell
Rutta
Scarborough
Settle
Shofner
Smith
Spears

Stanfield
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Montague
Worley
Young
Youngblood

Nays—14

Aikin	Hunt
Alsup	Knetsch
Bourne	Mauritz
Broyles	Morris
Fitzwater	Reed of Bowie
Glass	Stovall
Good	Wood of Harrison

Absent

Bergman	Hartzog
Calvert	Petsch
Canon	Roach of Angelina
Celaya	Roberts
Dunlap of Kleberg	Rogers
Harris of Archer	Venable

Absent—Excused

Colquitt	Jones of Atascosa
Hill	McKee

Mr. Walker offered the following amendment to the bill:

Amend Senate Bill No. 154 by striking out all of lines 8, 9, and 10, on page 7, and by placing a "period" after the word "Act" in line 7, on page 7.

WALKER,
AIKIN.

Mr. Moffett moved to table the amendment by Mr. Walker.

The motion to table prevailed.

Senate Bill No. 154 was then passed to third reading.

SENATE BILL NO. 154 ON THIRD READING

Mr. Moffett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 154 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Alexander	Jones of Wise
Alsup	Keefe
Ash	King
Bourne	Lange
Bradbury	Lanning
Bradford	Latham
Butler of Brazos	Leath
Butler of Karnes	Lemens
Cagle	Leonard
Caldwell	Lindsey
Calvert	Lotief
Celaya	Luker
Clayton	Mauritz
Collins	McCalla
Colson	McConnell
Cooper	McFarland
Cowley	McKinney
Craddock	Moffett
Crossley	Moore
Daniel	Morrison
Davis	Morse
Davison of Fisher	Newton
Davisson	Nicholson
of Eastland	Olsen
Dunagan	Padgett
Dunlap of Hays	Palmer
Dunlap of Kleberg	Patterson
Duvall	Payne
Dwyer	Pope
England	Quinn
Fain	Reader
Farmer	Reed of Dallas
Fisher	Riddle
Fitzwater	Roach of Angelina
Ford	Roach of Hunt
Fox	Roane
Fuchs	Roark
Gibson	Roberts
Gray	Russell
Greathouse	Rutta
Hankamer	Scarborough
Hardin	Settle
Harris of Archer	Shofner
Harris of Dallas	Smith
Hartzog	Spears
Head	Stanfield
Herzik	Steward
Hodges	Stinson
Hofheinz	Tarwater
Holland	Tennyson
Hoskins	Tillery
Huddleston	Venable
Hunt	Waggoner
Hunter	Walker
Hyder	Wells
Jackson	Westfall
James	Wood of Harrison
Jefferson	Wood of Montague
Jones of Falls	Worley
Jones of Runnels	Young
Jones of Shelby	Youngblood

Nays—10

Adkins	Broyles
Aikin	Burton

Glass
Good
Knetsch

Morris
Reed of Bowie
Stovall

Absent

Adamson
Atchison
Beck
Bergman
Canon
Dickison
Frazer

Graves
Howard
Lucas
Petsch
Rogers
Thornton

Absent—Excused

Colquitt
Hill

Jones of Atascosa
McKee

The Speaker then laid Senate Bill No. 154 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—116

Adamson	Hardin
Ash	Hartzog
Beck	Head
Bradbury	Herzik
Bradford	Hodges
Broyles	Hofheinz
Butler of Brazos	Holland
Butler of Karnes	Hoskins
Cagle	Howard
Caldwell	Huddleston
Calvert	Hunter
Canon	Hyder
Clayton	Jackson
Collins	James
Colson	Jefferson
Cooper	Jones of Falls
Cowley	Jones of Runnels
Craddock	Jones of Shelby
Crossley	Jones of Wise
Daniel	Keefe
Davis	King
Davison of Fisher	Lange
Davisson	Lanning
of Eastland	Latham
Dunagan	Leath
Dunlap of Hays	Lemens
Dunlap of Kleberg	Leonard
Duvall	Lindsey
Dwyer	Lotief
England	Lucas
Fain	Luker
Farmer	McConnell
Fisher	McFarland
Fitzwater	McKinney
Ford	Moffett
Fox	Moore
Frazer	Morrison
Fuchs	Morse
Gibson	Newton
Gray	Nicholson
Greathouse	Olsen
Hankamer	Padgett

Palmer	Shofner
Patterson	Smith
Payne	Spears
Pope	Stanfield
Quinn	Steward
Reader	Stinson
Reed of Dallas	Tarwater
Riddle	Tennyson
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roane	Waggoner
Roark	Wells
Roberts	Westfall
Russell	Wood of Montague
Rutta	Young
Scarborough	Youngblood
Settle	

Nays—21

Adkins	Knetsch
Aikin	McCalla
Alexander	Morris
Alsup	Reed of Bowie
Bergman	Rogers
Bourne	Stovall
Burton	Venable
Glass	Walker
Good	Wood of Harrison
Harris of Archer	Worley
Hunt	

Absent

Atchison	Harris of Dallas
Celaya	Mauritz
Dickison	Petsch
Graves	

Absent—Excused

Colquitt	Jones of Atascosa
Hill	McKee

HOUSE BILL NO. 141 ON SECOND READING

The Speaker laid before the House, as special order for this hour, on its second reading and passage to engrossment,

H. B. No. 141, A bill to be entitled "An Act declaring it to be the policy of the State to provide for the standardization of tomatoes as a protection to grower, shipper, carrier, receiver, and consumer; placing the jurisdiction of grades and classifications thereof under the direction of the Commissioner of Agriculture of the State of Texas, etc., and declaring an emergency."

The bill was read second time.

Mr. Alsup offered the following committee amendment to the bill:

Amend House Bill No. 141 by striking out "citrus fruit" wherever they appear in the bill and insert in lieu thereof the word "tomatoes."

The amendment was adopted.

Mr. Alsup offered the following committee amendment to the bill:

Amend House Bill No. 141, Section 12, by striking out the words "commodity" wherever they appear and insert in lieu thereof the word "grade."

The amendment was adopted.

Mr. Alsup offered the following committee amendment to the bill:

Amend House Bill No. 141, Section 15 thereof, by making sentence two (2) thereof to read as follows: "Nor shall any provision of this Act prevent a grower or packer from manufacturing the same into any by-product or from selling the same unpacked, or if packed, marked "cull," to any person actually engaged in the operation of a commercial by-products factory in said area or elsewhere for the sole and express purpose of the manufacture of a by-product used for domestic use or resale."

The amendment was adopted.

Mr. Alsup offered the following committee amendment to the bill:

Amend House Bill No. 141, Section 8, by adding at the end of the first sentence thereof the following: "And it shall be the duty of the Commissioner, his agents, and/or employes to maintain, during the tomato season, a sufficient number of inspectors so that each packing shed at each loading point for tomatoes in this State shall be visited and all tomatoes graded, classified, and inspected each day when ready for shipment during the shipping season."

Mr. Keefe offered the following amendment to the committee amendment:

Amend committee amendment No. 4 by striking out "each day" in line 39.

The amendment by Mr. Keefe was adopted.

The committee amendment, as amended, was then adopted.

Mr. Broyles offered the following amendment to the bill:

Amend House Bill No. 141 by adding a section after Section 1, to be known as Section 1a, to read:

"That the provisions of this Act shall not apply to pink, partially ripe, and ripe tomatoes. By pink, partially ripe, and ripe tomatoes we mean any tomato that shows any sign of ripening by the presence of any shade of pink or red."

Mr. Keefe moved to table the amendment by Mr. Broyles.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 16, Relative to Joint Session of the House and Senate to hear address by Hon. Hal H. Sevier.

S. C. R. No. 15, Granting Hon. F. P. Adams permission to leave the State.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, February 14, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Concurrent Resolution No. 16 by the following vote: Viva voce.

The Senate has adopted

S. C. R. No. 17, Authorizing the Highway Department to lend certain road equipment to McLennan County.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, by unanimous consent, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Quinn, Mr. Greathouse, Mr. Pope, Mr. Dunagan, Mr. Cowley, Mr. Reed of Bowie, and Mr. Butler of Karnes:

H. B. No. 515, A bill to be entitled "An Act amending Section 5 of Chapter 3 of the General Laws of the Second Called Session of the Forty-third Legislature, making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle, or truck-tractor on public highways during any month of motor vehicle registration year without having attached to, and displayed thereon, two license number plates, on rear and on front, lawfully assigned for said vehicle for that current year; providing this provision shall not apply to deal-

ers operating vehicles under present provisions of the law, and providing that re-registration license plates may be purchased during February and March, and used immediately, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

RECALLING HOUSE BILL NO. 201 FROM SENATE

Mr. Thornton offered the following resolution:

Whereas, House Bill No. 201 is now in the Senate; and

Whereas, The authors of House Bill No. 201 desire to consider further the bill on the floor of the House; now, therefore, be it

Resolved, That the Senate be requested to return House Bill No. 201 to the House for further consideration.

THORNTON,
JONES of Wise,
CALVERT.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 515 ON SECOND READING

On motion of Mr. Pope, by unanimous consent of the House, the Rules relative to the printing of bills were suspended for the purpose of considering, at this time, House Bill No. 515.

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 515 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—131

Adamson	Canon
Adkins	Celaya
Aikin	Clayton
Alexander	Collins
Alsup	Colson
Ash	Cooper
Beck	Craddock
Bergman	Crossley
Bourne	Daniel
Bradbury	Davis
Bradford	Davison of Fisher
Broyles	Davisson
Burton	of Eastland
Butler of Karnes	Dickison
Caldwell	Dunagan
Calvert	Dunlap of Hays

Dunlap of Kleberg	McFarland
Duvall	McKinney
Dwyer	Moffett
England	Moore
Fain	Morris
Farmer	Morrison
Fisher	Morse
Fitzwater	Newton
Ford	Nicholson
Fox	Olsen
Frazer	Padgett
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Graves	Petsch
Gray	Pope
Greathouse	Quinn
Hankamer	Reader
Hardin	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Riddle
Hartzog	Roach of Angelina
Head	Roach of Hunt
Hodges	Roark
Hofheinz	Roberts
Holland	Rogers
Hoskins	Russell
Huddleston	Rutta
Hunt	Scarborough
Hunter	Shofner
Hyder	Smith
Jackson	Spears
James	Stanfield
Jefferson	Steward
Jones of Falls	Stinson
Jones of Runnels	Stovall
Jones of Wise	Tarwater
Keefe	Tennyson
King	Thornton
Knetsch	Tillery
Lanning	Venable
Leath	Waggoner
Lemens	Walker
Leonard	Wells
Lindsey	Westfall
Lotief	Wood of Harrison
Lucas	Wood of Montague
Mauritz	Worley
McCalla	Young
McConnell	Youngblood

Present—Not Voting

Cagle

Absent

Atchison	Jones of Shelby
Butler of Brazos	Lange
Cowley	Latham
Good	Luker
Herzik	Roane
Howard	Settle

Absent—Excused

Colquitt	Jones of Atascosa
Hill	McKee

On motion of Mr. Greathouse, by unanimous consent of the House, the regular order of business was suspended to take up, for consideration at this time,

H. B. No. 515, A bill to be entitled "An Act amending Section 5 of Chapter 3 of the General Laws of the Second Called Session of the Forty-third Legislature, making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle, or truck-tractor on public highways during any month of motor vehicle registration year without having attached to, and displayed thereon, two license number plates, on rear and on front, lawfully assigned for said vehicle for that current year; providing this provision shall not apply to dealers operating vehicles under present provisions of the law, and providing that re-registration license plates may be purchased during February and March, and used immediately, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 515 ON THIRD READING

The Speaker then laid House Bill No. 515 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—132

Adamson	Crossley
Adkins	Daniel
Aikin	Davis
Alexander	Davison of Fisher
Alsup	Davison
Ash	of Eastland
Beck	Dickison
Bergman	Dunagan
Bourne	Dunlap of Hays
Bradbury	Dunlap of Kleberg
Bradford	Duvall
Broyles	Dwyer
Burton	England
Butler of Karnes	Fain
Cagle	Farmer
Caldwell	Fisher
Calvert	Fitzwater
Canon	Ford
Celaya	Fox
Clayton	Frazer
Collins	Fuchs
Colson	Gibson
Cooper	Glass
Craddock	Good

Gray	Newton
Greathouse	Nicholson
Hankamer	Olsen
Hardin	Padgett
Harris of Archer	Palmer
Harris of Dallas	Patterson
Hartzog	Payne
Head	Petsch
Hodges	Pope
Hofheinz	Quinn
Holland	Reader
Hoskins	Reed of Bowie
Howard	Reed of Dallas
Huddleston	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Hyder	Roark
Jackson	Roberts
James	Rogers
Jefferson	Russell
Jones of Falls	Rutta
Jones of Runnels	Scarborough
Jones of Wise	Shofner
Keefe	Smith
King	Stanfield
Knetsch	Steward
Lanning	Stinson
Leath	Stovall
Lemens	Tarwater
Leonard	Tennyson
Lindsey	Thornton
Lotief	Tillery
Lucas	Venable
Mauritz	Waggoner
McCalla	Walker
McConnell	Wells
McFarland	Westfall
McKinney	Wood of Harrison
Moffett	Wood of Montague
Moore	Worley
Morris	Young
Morrison	Youngblood
Morse	

Absent

Atchison	Lange
Butler of Brazos	Latham
Cowley	Luker
Graves	Roane
Herzik	Settle
Jones of Shelby	Spears

Absent—Excused

Colquitt	Jones of Atascosa
Hill	McKee

ADDITIONAL SIGNERS OF HOUSE BILL NO. 433

By unanimous consent of the House, the following members were authorized to sign House Bill No. 433: Messrs. Fuchs, Patterson, Davison of Fisher, and Bradford.

RECESS

On motion of Mr. Dunagan, the House, at 12:20 o'clock p. m., took recess to 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bills Nos. 11, 425, and 444.

Criminal Jurisprudence: House Bills Nos. 471, 480, and 481.

Education: House Bills Nos. 207 and 475.

Game and Fisheries: House Bills Nos. 221, 339, 375, 423, and 426.

Highways and Motor Traffic: House Bill No. 515.

Judiciary: House Bill No. 244.

Labor: House Bill No. 434.

Municipal and Private Corporations: House Bill No. 97.

Penitentiaries: House Bill No. 390.

The Committee on Criminal Jurisprudence filed an adverse report, with a minority favorable report, on House Bill No. 452.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 14, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 515, A bill to be entitled "An Act amending Section 5 of Chapter 3 of the General Laws of the Second Called Session of the Forty-third Legislature, making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle, or truck-tractor on public highways during any month of motor vehicle registration year without having attached to, and displayed thereon, two (2) license number plates, on rear and on front, lawfully assigned for said vehicle for that current year; providing this provision shall not apply to dealers operating vehicles under present provisions of the law, and providing that re-registration license plates may be purchased during February and March, and used immediately, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.